

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)	
)	
HAWAII ELECTRIC LIGHT COMPANY, INC.)	DOCKET NO. 2019-0333
)	
For Approval of an Amended and)	
Restated Power Purchase Agreement)	
Between Hawaii Electric Light)	
Company, Inc. and Puna Geothermal)	
Venture.)	
)	

ORDER NO. 37811

LIFTING DOCKET SUSPENSION

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LIFTING DOCKET SUSPENSION

By this Order,¹ the Public Utilities Commission ("Commission") lifts the suspension of this docket² for the limited purpose of acquiring more information from the Department of Land and Natural Resources ("DLNR") and the County of Hawaii ("County").

¹The Parties are HAWAII ELECTRIC LIGHT COMPANY, INC. ("Hawaiian Electric" or "HELCO") and the DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"), an ex officio party, pursuant to Hawaii Revised Statutes ("HRS") § 269-51 and Hawaii Administrative Rules ("HAR") § 16-601-62(a). The Commission admitted, as participants, TAWHIRI POWER, LLC; PUNA GEOTHERMAL VENTURE ("PGV"); PUNA PONO ALLIANCE ("Puna Pono"); BIG ISLAND COMMUNITY COALITION; and HU HONUA BIOENERGY pursuant to Order No. 37090, "(1) Granting Puna Geothermal Venture's and Big Island Community Coalition's Motions to Participate; (2) Granting Tawhiri Power LLC, Puna Pono Alliance, and Hu Honua Bioenergy Participant status in Lieu of Intervention; (3) Establishing a Statement of Issues to Govern this Proceeding; and; (4) Instructing the parties to File a Stipulated Procedural Schedule," filed April 20, 2020.

²See Order No. 37707, "Suspending the Docket," filed on March 31, 2021 ("Order No. 37707").

I.

BACKGROUND AND RELEVANT PROCEDURAL HISTORY

The Commission opened this docket to facilitate its review of the amended and restated power purchase agreement ("PPA") between Hawaiian Electric and PGV.³ Pursuant to Order No. 36573, Hawaiian Electric filed its Application on December 31, 2019.⁴ The Application proposes a project ("Project") to expand PGV's generation capacity from 38 megawatts ("MW") to 46 MW, extend the PPA term by 30 years, and decrease pricing, among other things.⁵

On March 31, 2021, the Commission issued Order No. 37707, which suspended this docket pending completion and acceptance of a supplemental environmental review.⁶

On April 12, 2021, Hawaiian Electric filed its Motion for Reconsideration of Order No. 37707.⁷

³See Order No. 36573 "Opening a Docket to Review an Amended and Restated Power Purchase Agreement Between Hawaii Electric Light Company, Inc. and Puna Geothermal Venture," filed on October 4, 2019 ("Order No. 36573").

⁴"Application of Hawaii Electric Light Company, Inc.; Exhibits 1-10; Verification; and Certificate of Service," filed on December 31, 2019 ("Application"). The PPA is attached as Exhibit 1 to the Application.

⁵See Application at 2-5.

⁶See Order No. 37707 "Suspending the Docket," filed on April 12, 2021 ("Order No. 37707").

⁷"Hawaii Electric Light Company, Inc.'s Motion for Reconsideration and Clarification of Order No. 37707;

On April 12, 2021, PGV filed its Motion for Leave to file its substantive joinder to Hawaiian Electric's Motion for Reconsideration.⁸

On April 16, 2021, Puna Pono filed its Motion for Leave to respond to both Hawaiian Electric's Motion for Reconsideration and PGV's Motion for Leave.⁹

On May 14, 2021, PGV filed a proposal with respect to Order No. 37707.¹⁰

II.

DISCUSSION

PGV proposes the following steps with respect to Order No. 37707:

- a. The Commission will rescind its Order No. 37707, and resume its review and consideration of HELCO's Application.

Memorandum in Support of Motion," filed on April 12, 2021 ("Hawaiian Electric's Motion for Reconsideration").

⁸"Puna Geothermal Venture's Motion for Leave to Substantively Join Hawaii Electric Light Company, Inc.'s Motion for Reconsideration and/or Clarification of Order No. 37707," filed on April 12, 2021 ("PGV's Motion for Leave").

⁹"Puna Pono Alliance's Motion for Leave to Respond to Hawaii Electric Light Company, Inc.'s Motion for Reconsideration and Clarification of Order No. 37707," filed on April 16, 2021 ("Puna Pono's Motion for Leave").

¹⁰"Puna Geothermal Venture's Proposal with Respect to Order No. 37707," filed on May 14, 2021 ("PGV's Proposal").

b. PGV will immediately upon the Commission's rescinding of Order No. 37707 seek to engage with either the County of Hawaii (the "County") or the Department of Land and Natural Resources (the "DLNR") for the County or DLNR to undertake the analysis and determination of whether, and if so, what level of, HRS Chapter 343 review is required for PGV's proposed repowering for its geothermal facility as described in HELCO's Application. PGV shall immediately undertake, at its cost, whatever action, including the preparation of the appropriate environmental document, that the County or DLNR determines is required, and the appropriate agency's decision in this respect shall be final and not subject to review by PGV or the Commission.

c. Upon completion of the HRS Chapter 343 review, if any, as determined by the appropriate agency, PGV will file with the Commission, for informational purposes only, a copy of the final document as approved and/or issued by the County or DLNR.

d. PGV will, to the extent necessary or desirable, request HELCO's assistance as appropriate in connection with any required environmental review.

e. PGV shall complete the process as outlined in this proposal regardless of the final decision of the Commission on HELCO's Motion for Reconsideration and PGV's Substantive Joinder, including any further proceedings resulting from such Commission action.¹¹

Before the Commission can consider PGV's Proposal, the Commission needs to determine the DLNR's and the County's positions relative to environmental review. Therefore, the Commission is lifting its suspension of this docket for the

¹¹PGV's Proposal at 4-5.

limited purpose of soliciting the DLNR's and the County's positions on environmental review. Order No. 37707 otherwise remains in full effect.

III.

ORDERS

THE COMMISSION ORDERS:

1. The suspension of this docket, established in Order No. 37707, is lifted for the limited purposes set forth in this Order.

2. In all other respects, Order No. 37707 remains in full effect.

DONE at Honolulu, Hawaii JUNE 4, 2021.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By James P. Griffin, Chair By Jennifer M. Potter, Commissioner
James P. Griffin, Chair Jennifer M. Potter, Commissioner

APPROVED AS TO FORM:

Mike S. Wallerstein
Mike S. Wallerstein
Commission Counsel

By Leodoloff R. Asuncion, Jr., Commissioner
Leodoloff R. Asuncion, Jr., Commissioner

2019-0333.ljk

CERTIFICATE OF SERVICE

Pursuant to Order No. 37043, the foregoing Order was served on the date it was uploaded to the Public Utilities Commission's Document Management System and served through the Document Management System's electronic Distribution List.

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PUBLIC UTILITIES
COMMISSION

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